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U.S. Department of Transportation  
Docket Management Facility  
West Building, Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Re: Petition for Exemption from 14 CFR § 135.152(j); Flight Data Recorder

To U.S. Department of Transportation:

Hatzolah Emergency Air Response Team, Inc., Air Carrier Precertification Operating Certificate HTZA621P (certification in process) ("Hatzolah Air"), by Kyle Bartler, proposed Director of Operations, together with Liberty Jet Management Corporation, Active Air Carrier Part 135 Operating Certificate LDJA639L ("Liberty Jet"), by Jason Figarsky, Director of Maintenance, jointly petition for an exemption, including privileges to operate outside the United States, from 14 C.F.R. § 135.152(j) in order to operate a Gulfstream G550 airplane in commercial operation. This exemption is being requested due to an on-going supply chain disruption that prevents Gulfstream Aerospace from making available an upgrade to the airplane's digital flight data recorder that would allow compliance with the specific Part 135 regulation. Gulfstream Aerospace Corporation is the manufacturer of the airplane and sole supplier of an approved upgrade that would bring the digital flight data recorder into compliance with the additional recorder parameters required by 14 C.F.R. § 135.152(j).

The subject airplane, Gulfstream Aerospace GV-SP (G550) Serial Number 5328, currently bearing registration N1916W (the "Airplane"), is configured with 15 passenger seats plus 1 cockpit jump seat excluding any required crewmember seat, with a manufacture date of May 3, 2011. Hatzolah Air obtained access to use the Airplane in December 2021 in order, in part, to place into commercial service, and Hatzolah Air immediately took action to contact Gulfstream and schedule the upgrade to the Airplane's flight data recorder to comply with the applicable requirements of Part 135, specifically 14 C.F.R. § 135.152(j). The Airplane is equipped with a flight data recorder that complies with 14 C.F.R. § 135.152(h) and (i).

In early January 2022, in anticipation of successfully accomplishing the upgrade, Hatzolah Air supplemented its application for a 10 or more worldwide Part 135 Air Carrier Operating Certificate with the Airplane's information. Hatzolah Air supplied paperwork and participated in

meetings with the FAA's Albany, New York Flight Standards District Office to proceed with its certificate application. In addition, Hatzolah Air sought to add the Airplane to Liberty Jet's 10 or more worldwide Part 135 Air Carrier Operating Certificate in March but action was delayed in that regard in anticipation of upgrading the Airplane and then applying to conform it to Liberty Jet's certificate. Hatzolah Air was scheduled and was expecting to accomplish the upgrade in April 2022.

**A. Petition for Exemption from 14 C.F.R. § 135.152(j)**

Section 135.152(j) states, in full, that “[f]or all turbine-engine-powered airplanes with a seating configuration, excluding any required crewmember seat, of 10 to 30 passenger seats, that are manufactured after August 19, 2002 the parameters listed in paragraph (a)(1) through (a)(88) of this section must be recorded within the ranges, accuracies, resolutions, and recording intervals specified in Appendix F of this part.” Because the Airplane has a date of manufacture after 2002, it is subject to the requirements of this section that additional parameters be recorded when the Airplane is in commercial service. Hatzolah Air, and Liberty Jet, seek a temporary exemption, including privileges to use the exemption outside the United States, from Section 135.152(j) for the Airplane for the reasons detailed in this petition.

**B. The Extent and Reason for Relief Sought**

In December 2021, Hatzolah Air began the process with Gulfstream to install “ASC 002D - Digital Flight Data Recorder System Upgrade (88 Parameters)” (“ASC 002D”). A copy of the ASC 002D is attached as Exhibit A. On or about January 21, 2022, Hatzolah Air entered into an agreement to install ASC 002D with the installation to begin on or about April 18, 2022. A copy of the Gulfstream Support Proposal is attached to this letter as Exhibit B. Prior to April 2022, Gulfstream notified Hatzolah Air that the April 18, 2022 ASC 002D installation would need to be rescheduled to sometime in July 2022 due to on-going supply chain issues. Then, on May 13, 2022, Gulfstream issued a Maintenance and Operations Letter (the “MOL”) informing all Gulfstream G550 Operators, including Hatzolah Air and Liberty Jet, that “[d]ue to challenges with the procurement of parts, it has become necessary to temporarily suspend incorporation of Aircraft Service Change (ASC) 002D - Digital Flight Data Recorder System Upgrade (88 Parameters).” A copy of the MOL is attached as Exhibit C. Gulfstream offered no expectation of when this temporary suspension would be lifted and, therefore, it is presently unknown when Hatzolah Air and Liberty Jet may anticipate and plan to upgrade the Airplane. Currently, the Airplane's equipment satisfies 57 of the 88 operational parameters required in 14 C.F.R. § 135.152(h). A listing of all 88 parameters from Gulfstream is attached as Exhibit D. Until the upgrade is available and installed on the Airplane in compliance with the additional 31 of the 88 parameters required by the regulation, the Airplane may not be considered for or placed into commercial service.

Hatzolah Air and Liberty Jet seek a temporary exemption from 14 C.F.R. § 135.152(j), including privileges to use the exemption outside the United States, for the Airplane until Gulfstream overcomes its on-going supply issues and can install ASC 002D on the Airplane. Hatzolah Air

and Liberty Jet have made all possible efforts to promptly and timely comply with 14 C.F.R. § 135.152(j) in order to efficiently proceed with operating the Airplane under a commercial certificate. However, for reasons beyond their control, Hatzolah Air and Liberty Jet cannot comply with 14 C.F.R. §135.152(j) because Gulfstream is unable to secure the requisite parts for the upgrade. Gulfstream is the sole party who can incorporate and install ASC 002D. Hatzolah Air and Liberty Jet remain in contact with Gulfstream and will reschedule installation of ASC 002D as soon as reasonably possible following notification from Gulfstream that ASC 002D is again available. However, there has been no information provided as to when that availability will occur or when an installation may be scheduled once available.

### **C. The Request Would Benefit the Public as a Whole**

Hatzolah Air is a 501(c)(3) corporation that conducts aviation operations and also provides, arranges, facilitates and funds local, national and worldwide air transportation for medical, humanitarian, disaster relief, compassion and/or other charitable reasons. Liberty Jet is an established FAA-certificated Part 135 air carrier operating 10 or more aircraft worldwide as well as an aircraft management and sales company. Granting this petition and issuing the exemption would allow for the medical, humanitarian, disaster, and compassionate relief worldwide that Hatzolah Air and Liberty Jet may provide.

The requested exemption is based purely on necessity and, if granted, would benefit the public as a whole in providing the much need services that Hatzolah Air and Liberty Jet are eligible to provide. On the other hand, a denial of this requested exemption would remove the Airplane from service and prevent Hatzolah Air's response capabilities to local, national, and worldwide humanitarian efforts. This request is meant to be only temporarily effective and will be unnecessary as soon as Gulfstream can fulfill ASC 002D. Therefore, granting this request for exemption would benefit the public as a whole as it will keep the Airplane, which satisfies 57 of the 88 operational parameters required in 14 C.F.R. § 135.152(h)(1)-(88) and will be able to add the additional parameters as soon as practical, in service for local, national, and worldwide humanitarian efforts.

### **D. Granting This Request for Exemption Will Not Adversely Affect Safety**

Hatzolah Air and Liberty Jet acknowledge the importance of flight data recorders in capturing operating information in the event of an aircraft accident or incident that supports a safety objective. In this instance, the Airplane is in fact equipped with a recorder that is and will be recording a large segment of the data required to be recorded by the regulation and the limited time needed to be able to operate the aircraft until the necessary upgrade is available from the manufacture will not adversely affect safety. Any limitation on access to certain additional data would be known to investigators and may be compensated for in any necessary accident or incident safety analysis, just as may be done with aircraft whose recorders are not required to be capturing the additional parameters. Furthermore, the flight data recorder will be updated and in compliance with the regulation as soon as the challenges that Gulfstream is facing with the procurement of parts are relieved. The existing 57 operational parameters will continue to record

significant critical data and will significantly limit any adverse safety effects, if any, if the exemption is granted for this limited time.

Furthermore, similar petitions for exemptions have been granted for the limited time needed to obtain compliance with an equipment upgrade, in particular a flight data recorder, and this petition does not request any inconsistent or additional relief than previously granted. No adverse safety implications have been recognized as a result of those prior decisions to permit exemptions and nothing in this petition requests additional relief that would raise a potential additional compromise to aviation safety.

**E. Good Cause Exists to Waive the Federal Register Publication Requirement and Proceed Expeditiously in Granting This Petition**

Hatzolah Air and Liberty Jet submit that good cause exists to waive the Federal Register publication requirement that would normally occur when an exemption from a rule is requested. Given the immediate need for the relief and the limited need for the exemption requested by the two petitioners for the particular circumstances set forth in this petition, and in light of prior decisions not to publish other similar petitions for exemptions, Hatzolah Air and Liberty Jet request that publication may be waived in this case so that any unnecessary delay that might occur with publication is avoided.

Because of the immediate need to move forward with Hatzolah Air's pending application for Part 135 certification and with conformance with Liberty Jet's existing Part 135 certificate, Hatzolah Air and Liberty Jet respectfully request expedited consideration of this petition for exemption.

**F. Summary of Relief Requested**

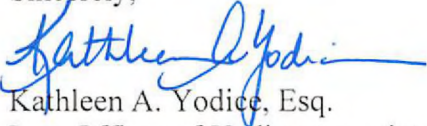
Hatzolah Air, together with Liberty Jet, have made all efforts to promptly and timely upgrade the flight data recorder in the Airplane to comply with 14 C.F.R. § 135.152(j) and this petition is being requested after exhausting all options to accomplish the upgrade but is being prevented from doing so for reasons over which the petitioners have no control or ability to fix. The exemption from 14 C.F.R. § 135.152(j) is only necessary due to the temporary supply chain problems affecting Gulfstream's ability, as the sole source for the required upgrade, to procure the requisite parts for the upgrade. Neither Hatzolah Air nor Liberty Jet are responsible for the delay in the upgrade, nor could they have reasonably anticipated that delay, and the exemption requested is only temporary until Gulfstream obtains the requisite parts to allow for the limited number of additional parameters to be recorded. By granting the exemption, Hatzolah Air and Liberty Jet will be able to operate the Airplane while still recording the 57 operational parameters required of all aircraft. The relief requested is in the public interest to allow Hatzolah Air and Liberty Jet to provide much needed commercial services to the public, safely, while Gulfstream continues to work to relieve its on-going supply chain problems.

In summary, Hatzolah Air and Liberty Jet request an exemption, including privileges to use the exemption outside the United States, from 14 C.F.R. § 135.152(j) to use the Airplane for

Part 135 operations for a temporary period until such time the necessary parts are made available to the industry by Gulfstream.

We look forward to your timely reply and appreciate your favorable consideration.

Sincerely,



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Enclosures (Exhibits A – D)